

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29561 of 2024

Arising Out of PS. Case No.-876 Year-2023 Thana- ARA NAGAR District- Bhojpur

1. Md. Mumtaj @ Mumtaj @ Md. Mumtaj Alam @ Gorakh Son of Hafiz Mukhtar Resident of Chick Toli, P.S.- Ara Town, District - Bhojpur
2. Md. Ajij Alam Son of Md. Mumtaj Alam Resident of Chick Toli, P.S.- Ara Town, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Mannan Khan, Adv.

Mr. Binay Kumar, Adv.

Mr. Hafiz Shahbaz Arif, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Ara Town P.S. Case No. 876 of 2023 dated 26.10.2023,
instituted for the offence punishable under Sections 419, 420
and 406 of the Indian Penal Code.

3. The prosecution case, in short, is that on
16.01.2023 petitioner no. 1 had made an agreement with the
informant in his favour that he will sell the informant's land
bearing Khata No. 657, Khesra No. 9614, area 1-1 ½ Kattha
situated in Mauja Chiktoli, Ara @ Rs. 22,26,000/- per Kattha
also promised that he will give Rs. 3,00,000/- as advance money



to the informant for the said agreement. Further petitioner no. 1 received heavy amount from Md. Reyaj and Md. Sanaur and thus petitioner no. 1 in collusion with petitioner no. 2 wants to sell the informant's property by making fraud.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that an agreement dated 16.01.2023 had been made between the petitioner no. 2 and the informant regarding land bearing Khata No. 657, Plot No. 9614 area one Kattha and $\frac{1}{2}$ dhurs at the rate of Rs. 22,26,000/- per Kattha. Though it is alleged that they want to sell the said property to one Md. Reyaj and Md. Sanaur but the petitioners have not executed any sale deed in favour of Md. Reyaj and Md. Sanaur. It is also submitted that the informant is not ready to execute any sale deed in favour of prospective buyer. It is submitted that it is a pure civil dispute between the parties. Lastly, it has been submitted that they have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection



with Ara Town P.S. Case No. 876 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Bhojpur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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